

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

CRP.No. 144 of 2007()

OPELE.76/1994 of I ADDL. DISTRICT COURT, PALAKKAD

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REVN. PETITIONER: 4TH RESPONDENT:

**POWER GRID CORPORATION OF INDIA LTD.,
LOCAL OFFICE, NANGIARKULANGARA, KAYAMKULAM,
REP. BY ITS MANAGER.**

BY ADV. SRI.K.P.DANDAPANI (SR.)

RESPONDENTS: PETITIONER:

**C. MADHAVAN, S/O. CHAMI,
AGED 49 YEARS, KALATHIL VEEDU, EDAPPADAM,
POST THIRUVAZHIODE, AYILUR, PALAKKAD DISTRICT.**

BY ADV. SRI.A.R.GANGADAS

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

M.N. KRISHNAN, J.
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C.R.P. NO. 144 OF 2007
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Dated this the 7th day of November, 2007.

O R D E R

This revision petition is preferred against the order of the District Judge, Palakkad in OP(Ele.)76/94. The Court below had awarded an enhanced compensation of Rs.22,713/- with 6% interest. The Court while arriving on the said figure had relied upon the decision of this Court reported in Kumba Amma v. K.S.E.B. 2000 (1) KLT 542. It recalculated the compensation at the rate of 5% of annual return and treating the yielding age of the coconut trees as 70 years. Now, the Apex court has considered this factor and had directed this Court to consider the matter afresh by way of remission. The Apex Court in the decision reported in ***K.S.E.B. v. Livisha (2007 (3) KLT page 1)*** held that,

“The situs of the land, the distance between the high voltage electricity line laid thereover, the extent of the line thereon as also the fact as to whether the high voltage line

passes over a small track of land or through the middle of the land and other similar relevant factors in our opinion would be determinative. The value of the land would also be a relevant factor. The owner of the land furthermore, in a given situation may lose his substantive right to use the property for the purpose for which the same was meant to be used. So far as the compensation in relation to fruit bearing trees are concerned the same would also depend upon the facts and circumstances of each case.”

2. So, in the light of this pronouncement there cannot be a uniform pattern and each case has to be decided as per the evidence available and the facts emanating from each case. Therefore, the order under challenge has to be set aside and the matter has to be remitted back to the Court below for fresh consideration.

3. In the result the C.R.P. is allowed, the order under challenge is set aside and the matter is remitted back to the

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District Court for fresh consideration in the light of the principles laid down in 2007 (3) KLT page 1. The parties are directed to appear before the Court below on 11.12.07.

M.N. KRISHNAN, JUDGE.

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